THE HONOURABLE SRI JUSITCE GODA RAGHURAM

WRIT PETITON No.991 of 2006

Dated 08-09-2006

Between:

M/s.Sri Venkateswara Weigh Bridge,
Balanagar, Hyderabad.

……Petitioner

and

The Assistant Zonal Manager (D) & Commissioner,
Andhra Pradesh Industrial Infrastructure Corporation Ltd.,
Balanagar, Hyderabad and others.

……..Respondents

THE HONOURABLE SRI JUSITCE GODA RAGHURAM

WRIT PETITON No.991 of 2006

ORAL ORDER:

The 1st respondent's quit notice dated 03-01-2006 is challenged in this writ petition.

Sri Venkateswara Cooperative Industrial Estate, Balanagar (for shot "the estate") was granted exemption and permission to set up an industrial estate by the orders of the State Government in G.O.Ms.No.2161 Revenue Department, dated.31-12-1982 subject to the condition that the estate should use the land exclusively for industrial purposes. The estate appears to have allotted plot No.1/B-1 & 2 in the estate to M/s.Prassanna Enterprises, the 3rd respondent herein. The estate appears to have issued an order permitting the petitioner to set up a weighbridge in a part of the land allotted to it, which *inter alia* abuts the National Highway No.9,

pursuant to a lease for the purpose between the petitioner and the 3rd respondent.

Contending that the weighbridge set up by the petitioner is contrary to the conditions of the allotment of plot to the estate and that the weigh bridge violates the norms prescribed by the HUDA and was set up un-authorizedly and is also creating traffic problems on the High-way, the petitioner was called upon to submit explanation, by a notice dated.06-12-2005. Having considered the petitioner's response dated.08-12-2005 to the above notice, the 1st respondent issued the impugned quit notice informing the petitioner that setting up of the weighbridge is illegal and unauthorized, it should be closed down within the stipulated time failing which appropriate action would be initiated.

As on date no action has been initiated against the petitioner by the 1st respondent except issuance of the quit notice. In any event, any action, when initiated by the 1st respondent to evict the petitioner is a civil action, which is susceptible to adjudication before a Civil Court of competent jurisdiction. Apart from the fact that there is no current action of the 1st respondent which needs to be interdicted, exercise of jurisdiction under Article 226 of the Constitution does not also appear to be an appropriate

remedy.

The writ petition is dismissed. No order as to costs.

GODA RAGHURAM, J

Dated 08-09-2006
Mrb